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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/456,270 | 12/07/1999 | BRUCE J. KOKKO | 2130(FJ-99-1 | 6225 |

7590 02/15/2002
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EXAMINER

ALVO, MARC S

ART UNIT

PAPER NUMBER

1731

DATE MAILED: 02/15/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/456,270 | KOKKO, BRUCE J. | |
| | Examiner | Art Unit | |
| | Steve Alvo | 1731 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 January 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20, 31-35, 56 and 57 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20, 31-35, 56 and 57 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: |

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6-24-02 has been entered.

Since this application has been designated as a continuation of parent application Serial No. 09/456,270, and has been filed under the File Wrapper Continuing application procedure, 37 CFR 1.114, the restriction requirement and the election made in the parent application, Paper No. 4, carry over to this application. Applicant elected the claims drawn to the process of making an absorbent sheet and elected the species 1-(2-octadecenamidoethyl)-2-heptadecenyl-3-methylimidazolinium methyl sulfate as the quaternary ammonium surfactant and PEG dioleate as the non-ionic surfactant in Paper No. 5.

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-5, 7-10, 13-15, 17-20, 31-35, and 56-61 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The original disclosure did not disclose that the nonionic surfactant had an HLB value of greater than 10, e.g. claim 1, steps (c) and (d), nor an HLB value of less than 10, e.g. step (e); nor that the fatty acids and alcohols have

“12 carbon atoms or more”, e.g. claim 1, step (c) nor “16 carbon atoms or more”, e.g. claim 1, steps (d) and (e).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 7-10, 13-15, 17-20, 31-35, and 56-61 are rejected under 35 U.S.C. 103(a) as obvious over ADMITTED PRIOR ART (Formulation A of the IDS filed 10-15-2001) in view of OSBORN '699 and BACK et al '681.

The ADMITTED PRIOR ART (Formulation A) teaches using the same quaternary ammonium surfactant and a very similar cationic surfactant used by Applicant to treat paper pulp with a debonding composition (Formulation A) to make an absorbent sheet. OSBORN '699 also teaches using quaternary ammonium surfactant and a nonionic surfactant to make absorbent sheet materials. OSBORN '699 teaches that the same amount of quaternary ammonium surfactant (column 4, lines 32-37) and nonionic surfactant (column 4, lines 63-66) can be used in the composition, e.g. 0.5 to 5.0 g/kg bone-dry fiber of each of the surfactants. It would have been obvious to use the surfactants of the ADMITTED PRIOR art in the proportions taught by OSBORN '699. At best Applicant is optimizing the “debonding”, “absorbency” and “softening” of the prior art. There is a reasonable expectation that the debonding of the prior art would yield a sheet material having the desired amount of “debonding”, “absorbency” and “softening”. *In re*

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drying surface, which is a problem with other debonder/softening agents. It would have been obvious to one of ordinary skill in the art to substitute the imidazolinium quaternary compounds of WENDT et al '839 for the quaternary compound of OSBORN' III to prevent the debonding agent from adhering to the drying surface.

When filing an "Official" FAX in Group 1730, please indicate in the Header (upper right) "Official" for papers that are to be entered into the file. The "Official" FAX phone numbers for this TC 1700 are:

Non-Final Fax: (703) 872-9310 After-Final FAX: (703) 872-9311

When filing an "Unofficial" FAX in Group 1730, please indicate in the Header (upper right) "Unofficial" for Draft Documents and other Communications with the PTO that are not for entry into the file of the application. This will expedite processing of your papers. The "Unofficial" FAX phone number for this Art Unit (1731) is (703) 305-7115.

Any inquiry concerning this communication or earlier communications from the primary examiner should be directed to Steve Alvo whose telephone number is (703) 308-2048. The Examiner can normally be reached on Monday - Friday from 6:00 AM - 2:30 PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Stanley Silverman, can be reached on 703-308-3837.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Group receptionist** whose telephone number is **(703) 308-0661**.

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MSA
July 6, 2001



STEVE ALVO
PRIMARY EXAMINER
ART UNIT 1731